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Government of Kerala
1979

Reg. No KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 7th July 1979 / 16th Ashadha 1901 [No. 477

GOVERNMENT OF KERALA

Taxes (E) Department

NOTIFICATION

G. O. (P) No. 80/78/TD. *Dated, Trivandrum, 26th June* 1978.

S. R. O. No. 770/79.—In exercise of the powers conferred by section 69 of the Kerala Stamp Act, 1959 (17 of 1959) the Government of Kerala hereby make the following amendment to the Kerala Manufacture and Sale of Stamp Rules, 1960, namely:—

AMENDMENT

In the said rules, in rule 36 and 40, for the letters and figures "Rs. 400", the letters, figures, brackets and words "Rs. 500 (Rupees five hundred)" shall be substituted.

By order of the Governor,

C. P. NAIR,
Secretary to Government (Taxes).

33/2702/MC.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

One of the demands of the stamp vendors of the State is to allow them to vend stamps upto the denomination of Rs. 1,000. Presently they are allowed to sell stamps of the denomination upto Rs. 400. Government have examined all aspects of the question and have decided to enhance the existing limit to the denomination of Rs. 500. This notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Labour and Housing (A) Department

ORDER

G.O. (Rt.) No. 694/79/L&H. *Dated, Trivandrum, 6th July* 1979.

S. R. O. No. 771/79.—WHEREAS, the M/s. Malayalam Plantation at Arapetta Estate, Meppadi P.O., declared lockout of the Estate from 25th April, 1979 in connection with an Industrial Dispute between the company and the workmen of the said Estate;

AND, WHEREAS, in exercise of the powers conferred by Section 10(1)(d) of Industrial Disputes Act, 1947 the Government have referred the said Industrial Dispute for adjudication to the Industrial Tribunal, Kozhikode as per G.O.(Rt) 940/79/L&H dated 3rd July, 1979;

AND, WHEREAS, the lockout declared by the management of the said Estate in connection with the said dispute is continuing even after the matter has been referred to the Industrial Tribunal, Kozhikode for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by subsection 3 of section 10 of the Industrial Disputes Act 1947 (Central Act 14 of 1947) the Government of Kerala hereby prohibit the continuance of the lockout in connection with the said dispute in M/s. Malayalam Plantation at Arapetta Estate, Meppadi P.O.

By order of the Governor,

C. P. NAIR,
Special Secretary to Government.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATIONS

G.O.MS. No. 139/79/LA&SWD. *Dated, Trivandrum, 7th July* 1979.

I

S. R. O. No. 772/79.—Whereas the Government have in Notification G.O.MS. No. 69/77/LA&SWD dated the 4th March, 1977 published as S. R. O. No. 213/77 in the Kerala Gazette Extraordinary No. 148 dated the 7th March, 1977 superseded the Erattupetta Panchayat with effect on and from the 7th day of March, 1977;

And whereas the term of the Administrative Committee appointed for the Panchayat from 8th March, 1977 was extended further from time to time upto the 31st May, 1968, by notifications issued under sub-section (3) of section 13 of the Kerala Panchayats Act, 1960 along with other Administrative Committees;

And whereas the Government have in Notification G.O.MS. No. 174/78/LA&SWD dated the 7th July, 1978 published as S. R. O. No. 689/78 in the Kerala Gazette Extraordinary No. 452 dated the 7th July, 1978 extended further the period of supersession of the Erattupetta Panchayat for the period upto and inclusive of the 31st day of October, 1978, and directed that all

functions, powers and duties of the said Panchayat and its President shall be exercised by the District Panchayat Officer, Kottayam during the said period of supersession;

AND WHEREAS the period of supersession of the said Panchayat was extended further from time to time upto and inclusive of the 6th day of March 1979 by subsequent notifications issued under sub-section (1) of section 55 of the said Act with direction that all functions, powers and duties of the said Panchayat shall be exercised by the District Panchayat Officer, Kottayam during the period of supersession so extended;

AND WHEREAS by section 3 of the Kerala Panchayat (Amendment) Ordinance, 1979 (Ordinance No. 7 of 1979) the continuance of the period of supersession of the said Panchayat after the 6th March, 1979 and also the exercise and discharge of the functions, powers and duties of the said Panchayat by the District Panchayat Officer, Kottayam after the said date have been validated upto and including the 6th July, 1979;

NOW, THEREFORE, in exercise of the powers conferred by sub-section(1) of section 55 of the Kerala Panchayats Act, 1960 (32 of 1960) as amended by the Kerala Panchayats (Amendment) Ordinance, 1979 (Ordinance No.7 of 1979), the Government of Kerala hereby extend the period of supersession of the Erattupetta Panchayat for a further period upto and including 30th September 1979.

Under sub-section (4) of section 55 of the Kerala Panchayats Act, 1960 as amended by the Kerala Panchayats (Amendment) Ordinance, 1979, the Government of Kerala hereby determine that during the period of the said supersession all the functions, powers and duties of the said Panchayat and its President shall be exercised and discharged by the Administrative Committee and its President appointed under sub-section (4A) of the said section.

II

S. R. O. No. 773/79.—In exercise of the powers conferred by sub-section (4A) of section 55 of the Kerala Panchayats Act, 1960 (32 of 1960) as amended by the Kerala Panchayats (Amendment) Ordinance, 1979 (Ordinance No.7 of 1979), the Government of Kerala hereby appoint an Administrative Committee and a President thereof with the persons specified in the schedule below to exercise and discharge the functions, powers and duties of the Erattupetta Panchayat with effect from 7th July, 1979 and specify that the Administrative Committee and its President shall hold office till 30th September, 1979.

SCHEDULE

	Name and address of the persons	Designation
	(1)	(2)
1.	Shri Haji V. M. A. Kareem, Advocate, Kareem Manzil, Nadackal P.O., Erattupetta-1	President
2.	„ T. M. Meerannan, Thattaparambil, Erattupetta-1	Vice-President
3.	„ P. P. Easa Khan, Vayilangattu House, Erattupetta-1.	Member
4.	„ Haji P. M. Pareethu Lebba, Motheen Kunnel, Nadackal P.O., Erattupetta-1	Member
5.	„ V. M. Sayed Mohammed, Beliyathu House, Erattupetta	Member
6.	„ P. M. Abdulkareem, Pulikiyil House, Erattupetta	Member
7.	„ K. M. Ebrahim, Kocheparambil, Erattupetta-2	Member
8.	„ A. A. Mohamed, Ambazhathinal House, Erattupetta	Member
9.	Smt. Subaida Yousef, Veliyath House, Erattupetta	Woman Member
10.	Shri P. K. Kuttan, Pulimattam, Nadackal P.O., Erattupetta	Scheduled Caste Member.

By order of the Governor,

S. KRISHNAKUMAR,
Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport).

The Erattupetta Panchayat was superseded by the Government on 7-3-1977 under section 55(1) of the Kerala Panchayats Act, 1960 and Administrative Committee with ten members was appointed to the Panchayat from 8-3-1977 for the period of supersession. The term of the Committee was extended from time to time. The period of the last extension has expired on 6-3-1979. The maximum period of supersession prescribed in section 55(1) is two years. Since there was no possibility of reconstituting the Panchayat before 6-3-1979 after conducting an election in this Panchayat alone, Government have amended the Panchayat Act to provide for the supersession of the Panchayats for a period not exceeding six months at a time and for a total period of three years, instead of two years as at present. The Panchayat Act has amended by Ordinance No. 7 dated 7-7-1979. The period of supersession beyond 6-3-1979 and upto and including 6-7-1979 has been validated by the Ordinance. Government have decided to continue the supersession for a period upto 30-9-1979 and to entrust the administration of the Panchayat to an Administrative Committee constituted for the said period.

These notifications are intended to achieve the above object.

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1979

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GOVERNMENT OF KERALA

Law (Leg. A) Department

NOTIFICATION

No. 6110-Leg. (A)1/79/Law. *Dated, Trivandrum, 7th July,* 1979/ 16*th Ashadha,* 1901.

The following Ordinance promulgated by the Governor on the 4th day of July, 1979, is hereby published for general information.

By order of the Governor,

K. Viswanathan Nair,

Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/2709/MC

ORDINANCE No. 8 OF 1979

THE KERALA LAND REFORMS (AMENDMENT) ORDINANCE, 1979

Promulgated by the Governor of Kerala in the Thirtieth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Land Reforms (Amendment) Ordinance, 1979.

(2) It shall come into force at once.

2. *Act 1 of* 1964 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 17.

3. *Amendment of section* 2.—In section 2 of the principal Act, in sub-clause (c) of clause (44), after the words "Land Board", the words "or the Taluk Land Board, as the case may be," shall be inserted.

4. *Insertion of new section* 6C.—After section 6B of the principal Act, the following section shall be inserted, namely:—

"6C. *Certain lessees who have made substantial improvements, etc., to be deemed tenants.*—Notwithstanding anything contained in section 74, or in any

contract, or in any judgment, decree or order of any court or other authority, any person in occupation at the commencement of the Kerala Land Reforms (Amendment) Act, 1969, of the land of another person on the basis of a lease deed executed after the 1st day of April, 1964, shall be deemed to be a tenant if—

(a) he (including any member of his family) did not own or hold land in excess of four acres in extent on the date of execution of the lease deed; and

(b) he or any member of his family has made substantial improvements on the land.

Explanation.—For the purposes of this section, improvements shall be deemed to be substantial improvements if the value of such improvements is more than fifty per cent of the value of the land on the date of execution of the lease deed.".

5. *Amendment of section* 19.—In section 19 of the principal Act, after the words "Land Board", the words "or the Taluk Land Board, as the case may be," shall be inserted.

6. *Amendment of section* 26.—In section 26 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) The person liable to pay the amount determined under sub-section (2) shall deposit the same with the Land Tribunal which determined the amount within a period of six months from the date of such determination.

(3A) In the event of the failure to deposit the amount referred to in sub-section (3) within the time specified in that sub-section, such amount shall, on a written requisition from the Land Tribunal to the District Collector, be recovered under the provisions of the Kerala Revenue Recovery Act, 1968, together with interest at the rate of six per cent per annum from the date of determination of the amount under sub-section (2).".

7. *Amendment of section* 27.—In section 27 of the principal Act, *Explanation II* shall be, and shall be deemed to have been, renumbered as *Explanation III* with effect on and from the 1st day of January, 1970 and before that *Explanation* the following *Explanation* shall be, and shall be deemed to have been, inserted with effect on and from the said date, namely:—

"*Explanation II.*—Where in respect of a holding there is a stipulation in the contract of tenancy for the payment of interest by the transferor to the transferee on the consideration paid by, or due to, the transferee, or for the payment by the transferee of land tax due to the Government or any tax or cess due to a local authority, the contract rent of that holding shall, for the purpose of this section, be calculated after deducting such interest, tax and cess,".

8. *Amendment of section* 63.—In section 63 of the principal Act, to sub-section (7), the following proviso and *Explanation* shall be added, namely:—

"Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.—For the purposes of the preceding proviso, "member of family" means wife or husband, son or daughter.".

9. *Amendment of section* 72H.—In section 72H of the principal Act, to sub-section (8), the following proviso and *Explanation* shall be added, namely:—

"Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.—For the purposes of the preceding proviso, "member of family" means "wife or husband, son or daughter.".

10. *Amendment of section* 72 *I*.—In section 72 I of the principal Act,—

(1) to sub-section (3), the following proviso shall be added, namely:—

"Provided that where the amount of compensation mentioned in the application as due to the applicant is not more than the amount of compensation determined by the Land Board it shall not be necessary to give the applicant an opportunity of being heard.";

(2) in sub-section (5), for the words "on the date of expiry", the words "before the date of expiry" shall be substituted.

11. *Amendment of section* 80*E*.—In section 80E of the principal Act, to sub-section (6), the following proviso and *Explanation* shall be added, namely:—

"Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.—For the purposes of the preceding proviso, "member of family" means "wife or husband, son or daughter.".

12. *Amendment of section* 84.—After sub-section (1) of section 84 of the principal Act, the following sub-section shall be, and shall be deemed to have been, inserted with effect on and from the 1st day of January, 1970, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), or in any judgment, decree or order of any court or other authority, any voluntary

transfer effected by means of a gift deed executed during the period commencing on the 1st day of January, 1970 and ending with the 5th day of November, 1974, by a person owning or holding land in excess of the ceiling area in favour of his son or daughter or the son or daughter of his predeceased son or daughter shall not be deemed to be, or ever to have been, invalid—

(a) if the extent of the land comprised in the gift does not exceed the ceiling area specified in clause (a) of sub-section (1) of section 82; and

(b) if the extent of the land comprised in the gift exceeds the ceiling area specified in the said clause, to the extent of that ceiling area:

Provided that nothing contained in this sub-section shall apply—

(a) to a transfer in favour of a person who was an unmarried minor on the 1st day of January, 1970;

(b) in respect of any land which has been assigned on registry under section 96, before the commencement of the Kerala Land Reforms (Amendment) Ordinance, 1979.".

13. *Amendment of section* 85.—In section 85 of the principal Act, the following sub-sections shall be inserted at the end, namely:—

"(10) Any person who, by virtue of the provisions of sub-section (1A) of section 84, is entitled to the restoration of the ownership or possession or both of any land may, within sixty days from the commencement of the Kerala Land Reforms (Amendment) Ordinance, 1979, apply to the Land Board or the Taluk Land Board, as the case may be, for such restoration.

(11) An application under sub-section (10) shall be in such form, shall contain such particulars and shall be verified in such manner as may be prescribed.

(12) On receipt of an application under sub-section (10), the Land Board or the Taluk Land Board, as the case may be, shall, after giving the applicant or any other person likely to be affected, an opportunity of being heard and after such inquiry as it deems necessary, by order, restore the ownership or possession, or both, as the case may be, of the land.".

14. *Amendment of section* 87.—In section 87 of the principal Act, the *Explanation* to sub-section (1) shall be numbered as *Explanation I* and after that *Explanation*, the following *Explanation* shall be inserted, namely:—

"*Explanation II.*—Where, after the date notified under section 83, any class of land specified in Schedule II has been converted into any other class of land specified in that Schedule or any land exempt under section 81 from the provisions of this Chapter is converted into any class of land not so exempt and in consequence thereof the total extent of land owned or held by a person

exceeds the ceiling area, so much extent of land as is in excess of the ceiling area, shall be deemed to be land acquired after the said date.".

15. *Amendment of section 98A.*—To section 98A of the principal Act, the following *Explanation* shall be added, namely:—

"*Explanation.*—If any question arises as to whether an institution is an institution of a public nature for religious and charitable purposes maintained by a religious denomination or any section thereof, the question shall be decided by the Government and such decision shall be final.".

16. *Amendment of section 101.*—In section 101 of the principal Act, in clause (e) of sub-section (2), the words "on its own motion or" shall be inserted at the beginning.

17. *Insertion of new section 108A.*—After section 108 of the principal Act, the following section shall be inserted, namely:—

"108A. *Section 11 of Code of Civil Procedure to apply to proceedings before Land Tribunals.*—The provisions of section 11 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, so far as may be, apply to proceedings before the Land Tribunal.".

18. *Transitory provision.*—(1) Notwithstanding anything contained in any contract, or in any judgment, decree or order of any court or other authority, where the right, title and interest in respect of a holding referred to in *Explanation II* to section 27 of the principal Act as amended by this Ordinance has been assigned in favour of a cultivating tenant and the purchase price and compensation or annuity payable in respect of such holding has been determined on the basis of contract rent calculated without deducting the interest, tax or cess referred to in the said *Explanation*, the Land Tribunal may, on application made by the cultivating tenant to whom such right, title and interest have been assigned or by his successor-in-interest within a period of one year from the commencement of this Ordinance, by order, re-determine the purchase price and compensation or annuity payable in respect of such holding on the basis of contract rent calculated after deducting such interest, tax or cess.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) No order shall be passed under sub-section (1) without giving any person affected thereby an opportunity of being heard.

(4) Where an order has been passed under sub-section (1),—

(a) any amount paid to a land owner or intermediary as compensation in excess of the amount payable under such order shall be refunded by the land owner and the intermediary, if any, to the Government within such period as may be prescribed and if the land owner or intermediary makes default in the payment

of such amount on or before the date fixed for refund, the same shall be recoverable from him under the provisions of the Kerala Revenue Recovery Act, 1968, as if it were an arrear of public revenue due on land;

(b) any amount paid by the cultivating tenant in excess of the amount payable by him under the said order shall be refunded to him within such period as may be prescribed.

JOTHI VENCATACHELLUM,

GOVERNOR.